

Docket No.: M4065.0858/P858
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael Kaplinsky

Application No.: 09/209,982

Confirmation No.: 6236

Filed: December 9, 1998

Art Unit: 2622

For: COLOR CORRECTION OF MULTIPLE
COLORS USING A CALIBRATED
TECHNIQUE

Examiner: J.M. Villecco

**REPLY TO DECISION DISMISSING REQUEST FOR
RECALCULATION OF PATENT TERM ADJUSTEMENT**

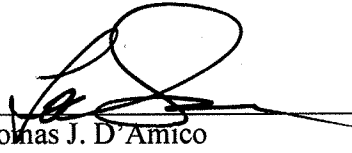
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests reconsideration of the Decision dismissing Applicant's Request for Recalculation of Patent Term Adjustment submitted on January 29, 2010 (copy enclosed). The Request for Recalculation of Patent Term Adjustment was filed within 180 days of the issue date (August 4, 2009). Moreover, an RCE was filed in the present application on October 31, 2005, which is after May 29, 2000. The sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). None of the other possible reasons for dismissing the Request applies to the present application. The Decision thus is improper because the Request is eligible pursuant to 35 U.S.C. § 154(b).

Dated: May 21, 2010

Respectfully submitted,

By 
Thomas J. D'Amico

Registration No.: 28,371

Cathy Chen

Registration No.: 61,337

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant